

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No. 3:17-cv-0011

LONNIE BILLARD,

Plaintiff,

v.

**CHARLOTTE CATHOLIC HIGH
SCHOOL, MECKLENBURG AREA
CATHOLIC SCHOOLS, and ROMAN
CATHOLIC DIOCESE OF CHARLOTTE,**

Defendants.

JOINT MOTION TO STAY CASE

Plaintiff Lonnie Billard and Defendants Charlotte Catholic High School (“CCHS”), Mecklenburg Area Catholic Schools (“MACS”), and the Roman Catholic Diocese of Charlotte (“Diocese”) (collectively “Defendants,” and together with Plaintiff, the “Parties”) by counsel, hereby respectfully request that the Court stay this case in its entirety until the Supreme Court of the United States issues a decision in *Altitude Express Inc. v. Zarda*, 883 F.3d 100 (8th Cir. 2018), *cert. granted*, *Altitude Express Inc. v. Zarda*, __ S.Ct. __ (2019) and *Bostock v. Clayton*, 723 Fed. Appx. 964 (11th Cir. 2018), *cert. granted*, __ S.Ct. __ (2019). In support of this Motion, the parties state as follows:

1. On April 22, 2019, the Supreme Court consolidated and granted certiorari in *Altitude Express Inc. v. Zarda*, 883 F.3d 100 (8th Cir. 2018) and *Bostock v. Clayton*, 723 Fed. Appx. 964 (11th Cir. 2018).

2. The question presented in *Zarda* and *Bostock* is whether discrimination against an employee because of sexual orientation constitutes prohibited employment discrimination “because of . . . sex” within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.

3. This precise question, among others, is at issue in this Case, and the Supreme Court’s ruling in *Zarda* and *Bostock* may be dispositive of the issue.

4. The decision to stay a case is within the discretion of the trial court and “calls for the calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Hickey v. Baxter*, 833 F.2d 1005 (4th Cir. 1987) (unpublished opinion) (finding that the district court properly stayed proceedings while awaiting guidance from the Supreme Court in a case that could decide relevant issues).

5. Accordingly, in the interests of conserving resources and judicial economy, the Parties jointly request the Court stay this case in its entirety until the Supreme Court issues an opinion in *Altitude Express Inc. v. Zarda*, 883 F.3d 100 (8th Cir. 2018), *cert. granted*, *Altitude Express Inc. v. Zarda*, __ S.Ct. __ (2019) and *Bostock v. Clayton*, 723 Fed. Appx. 964 (11th Cir. 2018), *cert. granted*, __ S.Ct. __ (2019).

6. This Motion is made in good faith and not for any purposes to delay the matter.

7. Pursuant to Local Rule 7.1(B), the parties have conferred and agree regarding the relief requested herein.

8. A proposed order is attached hereto as **Exhibit A**.

Conclusion & Requested Relief

Based on the foregoing, Plaintiff and Defendants respectfully request that the Court permit the parties stay this case in its entirety pending the Supreme Court’s decision in

Respectfully submitted, this the 26th day of April 2019.

/s/ Joshua Block

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send electronic notice to counsel for Plaintiff at the addresses as follows:

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This the 26th day of April 2019.

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